

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SUSAN KATZ, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

PRAECIS PHARMACEUTICALS INC.,
MALCOLM L. GEFTER, KEVIN F.
MCLAUGHLIN, EDWARD C. ENGLISH,
and WILLIAM K. HEIDEN,

Defendants.

No. 1:04-cv-12581-GAO

MAYER SCHWARTZ, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

PRAECIS PHARMACEUTICALS INC.,
MALCOLM L. GEFTER, KEVIN F.
MCLAUGHLIN, EDWARD C. ENGLISH,
and WILLIAM K. HEIDEN,

Defendants.

No. 1:04-cv-12704-REK

**ASSENTED TO MOTION TO TRANSFER AND REASSIGN
PURSUANT TO LOCAL RULE 40.1**

Plaintiff Mayer Schwartz hereby requests that the case of *Schwartz v. Praecis Pharmaceuticals, Inc., et al*, No. 04-12704-REK (“*Schwartz*”) currently before Judge Robert E. Keeton, be transferred, with Judge O’Toole’s consent, to Judge George A. O’Toole, who is the judge presiding over a related and previously filed case. *Katz v. Praecis Pharmaceuticals, Inc.*,

et al., 04-12581-GAO (“*Katz*”). Plaintiff makes this motion pursuant to Local Rule 40.1, and in support thereof, state as follows:

1. *Katz* was filed on December 9, 2004, and was assigned to Judge O’Toole.
2. *Schwartz* was filed on December 27, 2004 and was assigned to Judge Keeton.¹
3. When the *Schwartz* action was filed, *Katz* was mistakenly not identified as a related case, pursuant to Local Rule 40.1(G)(2).
4. Pursuant to Local Rule 40.1(G)(5), the treatment of a case as not related to an earlier filed case, may be corrected by the joint decision of the judge to whom it should be assigned (here, Judge O’Toole) and the judge to whom it has been assigned (here, Judge Keeton).
5. Under Local Rule 40.1, cases are “related” if:

some or all of the parties are the same and if one or more of the following similarities exist also: the cases involve the same or similar claims or defenses; or the cases involve the same property, transaction or event; or the cases involve insurance coverage for the same property, transaction or event; or the cases involve substantially the same questions of fact and law.

LR 40.1(G)(1).

The defendants named in *Katz* and *Schwartz*, current and former officers and directors of Praecis Pharmaceuticals, Inc. (“Praecis”), are the same. Both actions assert claims under Section 10(b) of the Securities Exchange Act of 1934 on behalf of purchasers of Praecis securities during the period from November 25, 2003 through December 6, 2004. Both actions are proposed class actions alleging false and misleading statements by the defendants concerning Plenaxis, a treatment for advanced symptomatic prostate cancer. Thus, these cases are related in several

¹ There is also a third related case, pending before Judge O’Toole, *Bassin v. Praecis Pharmaceuticals, Inc.*, 05-10134-GAO.

ways for purposes of LR 40.1, in that they (1) involve many of the same parties; (2) involve the same or similar claims or defenses (3) involve the same transactions and events; and (4) involve substantially the same questions of fact and law.

6. Section (I) of Local Rule 40.1 provides that: “In the interest of justice or to further the efficient performance of the business of the court, a judge may . . . transfer the case to another judge, if the other judge consents to the transfer.” The transfer of *Schwartz* as a case related to *Katz* would further the interest of justice and the efficient performance of the business of the court, as one court would thereby be the single source of rulings concerning the issues of these two related cases, thus obviating inconsistent rulings and avoiding duplication of effort.

7. Counsel for Defendants have assented to the relief sought by this Motion.

WHEREFORE, for all the foregoing reasons, Plaintiff *Schwartz* respectfully requests that *Schwartz* be transferred, with Judge O’Toole’s consent, to Judge O’Toole who is presiding over the related and previously filed *Katz* case.

March 2, 2005

Respectfully submitted,

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